

## THE TRIBUNE

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 THE STATE'S OLDEST NEWSPAPER  
 (Established 1878)

## LOCAL WEATHER BULLETIN.

For the 24 hours ending at noon, March 16, 1917:  
 Temperature at 7 a. m. .... 18  
 Temperature at noon ..... 23  
 Highest yesterday ..... 25  
 Lowest last night ..... 18  
 Precipitation ..... .08  
 Highest wind velocity ..... 24-N

## Forecast:

For North Dakota: Snow and cold tonight; Saturday fair; fresh north-west winds.

Calgary ..... 8  
 Chicago ..... 20  
 Kansas City ..... 44  
 Pierre ..... 24  
 St. Paul ..... 26  
 Moorhead ..... 26  
 Winnipeg ..... 6  
 St. Louis ..... 42  
 San Francisco ..... 42  
 Helena ..... 6  
 Williston ..... 16  
 ORRIS W. ROBERTS,  
 Meteorologist.

## CZAR ABDICATES.

Press dispatches at this writing have failed to state the fundamental reasons for the upheaval in Russia. The fact that Czar Nicholas has abdicated indicates that the uprising is not of an ephemeral or sporadic nature.

Linked with this news comes the intimation that Germany, too, insists on throwing off the yoke of a military and paternalistic bureaucracy.

Just what effect developments in Russia will have on the war no one can predict. It has been known for some time that there was unrest in Russia and Germany over the administration of the food supply. Privileges were enjoyed by one class denied to others and speculation combined with governmental graft were prevalent in both nations.

These doubtless were contributing causes to demands made in Russia and Germany for a more democratic form of government and the wiping out of special privileges under which both nations have chafed.

But there is little similarity between the situation in Germany and that in Russia except upon the surface. The German leaders are merely yielding to a popular demand for more representative government, but any drastic action is to be delayed until the war nears an end, if, of course, the people themselves do not insist upon immediate steps to relieve the pressure of present economic conditions.

It is in Russia, however, that interest attaches now. Czar Nicholas has abdicated in response to popular clamor, surely a historic epoch in Russian history, blackened by despotic deeds ever since the days of Peter and Catherine.

The assassination of Rasputin revealed to the world the political unrest in Russia. There has been too strong undercurrents, one friendly to the Entente and the other seeking to force Russia to make a separate peace with Germany.

In addition were the economic considerations which took form in food riots at the capital and like demonstrations. These may or may not have been inspired to obscure the underlying and fundamental political motives for the upheaval.

Until the censorship is lifted and the world knows what kind of fermentation has been going on in Russia since the war broke out, it is almost impossible to discuss with any degree of accuracy the significance of the movement in its various aspects.

On the surface it appears as a very violent protest against an autocratic form of government and a move on the part of the progressive element to bring Russia nearer to a constitutional monarchy.

His abdication may mean a more vigorous conduct of the war. Russia has been torn by internal dissensions since war was declared. Her military showing has been miserable to say the least.

Reactionaries at Petrograd would rather face national disgrace than yield to the claims of a people. Privilege has become more sacred than patriotism.

The Russian people evidently have come to a realization that if they are to win this war, such leaders as Sturmer and Sukhomlinoff, of Teutonic leanings, must be removed permanently from spheres of influence.

When the clouds of revolution have lifted the world may see a United Russia; a people who have found themselves.

## WHY LATER?

Newspapers in the District of Columbia are agitating a change in the date of inauguration with a view to holding that ceremonial late in the spring, when weather conditions are

more likely to be favorable than they are on March 4.

A better suggestion is that made by Representative Lenroot of Wisconsin, that the inauguration be held January 1, thus bringing into earlier effect any change of administration for which the people may vote at the preceding election. Holding the inauguration in June would mean that the administration would not change until eight months after the people had voted.

## REVENUE FAILURE.

Increasing imports and decreasing revenues from import duties is the continuous record of the Democratic tariff law.

The average rate of duty on all imports for the first seven months of the fiscal year 1917, July, 1916, to January, 1917, fell just a trifle below 9 per cent. On imports totaling \$1,348,265,000 we received customs revenue amounting to but \$121,213,563. That was an increase in the value of imports over the first seven months of the fiscal year 1913, under protective tariff, of \$252,000,000 (an increase at the rate of \$36,000,000 a month) and a decrease in the amount of revenue collected at our ports of \$71,990,000.

When Secretary McAdoo estimated customs receipts for 1917 at \$230,000,000 he believed the estimate very conservative. It now looks as if his estimate would be \$30,000,000 too great, and that the revenue from this source will be not less than \$120,000,000 short of the amount received in Republican times.

## STRIKE THREATENED.

Unless President Wilson can secure some concession, the nation's highways of commerce will be blocked by a general railroad strike. There is dual purpose in precipitating a crisis at this time. The employees believe that the international situation will force President Wilson to take drastic steps, even to the expedient of taking over the operation of the railroads. In the second place, the national predicament, both as regards food supplies and general transportation conditions makes it an especially opportune time for the representatives of the brotherhoods, from their viewpoint, to force the issue.

But how about the public? More than 100,000,000 people are vitally involved in the situation. Public opinion condemns any move to force a settlement at this time, especially when the courts are now determining the validity of the Adamson eight-hour law.

Congress on the eve of a general election was clubbed into passing a law which since has proved satisfactory to none of the parties. The brotherhoods have discovered that even if the law is upheld, it is a surrender on their part of a very vital principle. In the past organized labor has stubbornly refused to recognize the right of the government to fix arbitrarily wage scales and hours of labor.

The inadequacy of the law from the labor viewpoint has become more apparent with the flight of time. Confusion over the manner of its application should the court find the Adamson law valid has further complicated conditions.

In their haste to force a recognition of the eight-hour principle, with ten-hour remuneration, the brotherhoods find that it was not a victory they won by intimidating Congress. Their attorneys have pointed out that the law passed is of doubtful value.

As if anticipating an unfavorable decision, the representatives of the railroad employees engaged in the actual operation of the trains evidently have decided that resorting to legislative action is less effective than the ordeal of a strike.

Whether the strike will be called is only speculative at this time. Saturday is the date set, but much can transpire in the interim. Once before when Congress bowed beneath the lash of the brotherhood leaders, a date was set, but no strike was called.

Probably a strike is necessary to demonstrate that none of the parties to this controversy can afford to ignore the common rules of justice.

The law is before the supreme court and the nation is confronted with a crisis, the worst since the Civil war. These conditions alone should deter labor from forcing the issues now.

Public opinion is militantly opposed to a strike at this time and there is a general feeling that the employees might have held their demands in abeyance until after the supreme court has spoken.

## SUPREME COURT

## DECISION OF SUPREME COURT

Grant S. Youmans, Plaintiff and Appellant.

vs.

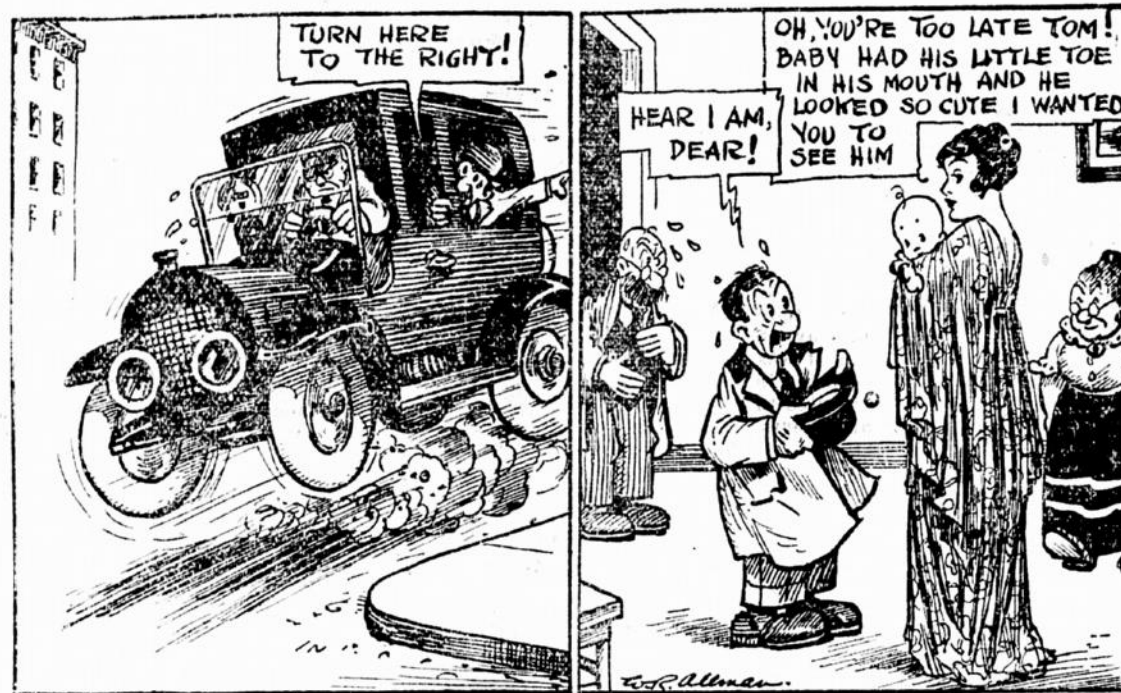
Louis B. Hanna, et al., Defendants and Respondents.

Syllabus: (1.) A Judge of the District Court who is called to sit in the place of a Justice of the Supreme Court, becomes, when he reports for duty and enters upon the discharge of his duties pursuant to such call, for all purposes in the case in which he is called, a Justice of the Supreme Court, and is vested with the same power and authority as though he had been regularly elected and qualified to fill the office of Justice of the Supreme Court.

## DOINGS OF THE DUFFS.

S. O. S.

By Allman



ified to fill the office of Justice of the Supreme Court.

(2.) A decision promulgated by district judge so called is the decision of the Supreme Court of North Dakota, and entitled to the same consideration as though it had been promulgated by a like number of regularly elected Justices of the Supreme Court.

(3.) So far as the public and third person are concerned, the acts of officers de facto, performed by them within the scope of their assumed official authority, are generally as valid and binding as if they were the acts of officers de jure. And this rule applies with full force to judicial officers.

(4.) For the reasons stated in the opinion, it is held that Justices Fisk, Burke and Goss were unquestionably de facto Justices of the Supreme Court of North Dakota during the month of December, 1916, and consequently their official acts during that time were valid.

(5.) When the Supreme Court has entered a final order in a cause brought there on appeal, and the remittitur has been transmitted to, and judgment entered thereon in, the Court below, the Supreme Court loses jurisdiction to recall the remittitur and reinstate the cause, unless the order directing the issuance of the remittitur was based on fraud or mistake of fact.

Appeal from District Court of Ward County, Kneshaw, special judge.

Motion to vacate order denying a rehearing. Denied.

Opinion of the Court by A. T. Cole, district judge. Hanley, district judge, concurs specially. Robinson, J., dissents. Birdzell and Grace, JJ., did not participate.

Hon. A. T. Cole, Judge of the Third Judicial district, and James M. Hanley, Judge of the Twelfth Judicial district, sitting in their stead.

Arthur Le Sueur and James A. Mahan for motion.

Francis J. Murphy, Contra.

DECISION OF SUPREME COURT From Renville County.

Dave Walker, Plaintiff and Respondent.

vs.

J. H. Paulson, Defendant and Appellant.

Syllabus: In this case an appeal was taken from the judgment, but no appeal from a subsequent order denying a motion for a new trial. The record shows no error and the verdict and judgment might well have been for a greater sum.

Appeal from the County Court of Increased Jurisdiction of Renville County; Hon. Percy S. Crewe, Judge. Affirmed.

Opinion of the Court by Robinson, J.

Grace, J., being disqualified, did not participate.

Gen. I. Rodsater, Mohall, Attorney for Appellant.

Grace & Bryans, Mohall, Attorneys for Respondent.

## SUMMONS.

State of North Dakota, County of Burleigh, ss.

In District Court, Sixth Judicial District.

Edla R. Person, Plaintiff,

upon you exclusive of the day of service, and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated this 20th day of December, A. D. 1916.

THEODORE KOFFEL, Attorney for Plaintiff, Residence and Post Office address, Bismarck, North Dakota.

To the Above Named Defendants: You and each of you will please take notice that the above entitled action relates to the following described land to-wit: Lots seven (7) and eight (8), in block forty (40), of the Northern Pacific second (2nd) addition to the City of Bismarck, North Dakota, and lot ten (10), in block eighteen (18), of Riverview addition to the City of Bismarck, North Dakota, and that this action is brought to quiet title in the plaintiff to the above described land and that no personal claim is made against any of the defendants herein.

Dated this 20th day of December, A. D. 1916.

THEODORE KOFFEL, Attorney for Plaintiff, Bismarck, North Dakota. (2-2, 9, 16, 23; 3-2, 9)

GOVERNOR APPROVES BILL THAT CAUSED COMMOTION WHEN IT PASSED SENATE

House Bill 174 Concentrates Control of Farm Institutes in Political Office

Governor Frazier on Thursday signed House Bill 174, which places the control of farm institutes in the hands of the assistant commissioner of agriculture and labor and appropriates \$6,000 for the use of this official.

After Hyland made a strong objection to this measure after the senate passed it, but his motion to reconsider was laid on the table on motion of Senator Gibbons. Hyland saw in the bill the building up of a great political machine in the agriculture and labor department.

Fargo profits from two appropriation bills signed Friday, House Bill 235, awarding the Crittenden home \$6,000 aid, and House Bill 55, appropriating \$5,000 to be used by Dr. Ladd in the study of wheat and cereal products.

House Bill 346, now a law, re-established the location of all institutions whose site was fixed in the constitution and changed the name of the Mandan reform school to the North Dakota industrial training school.

Senate Bill 177 gives the Missouri Slope Agricultural association \$10,000 for its annual fairs at Mandan in 1917 and 1918; Senate Bill 166 appropriates \$85,000 for the maintenance of the national guard for the next two years, and Senate Bill 140 appropriates \$5,500 for the refurnishing of the senate chamber.

The most important bill signed by the governor Friday was Senate Bill 314, Senators Kierkeide's and Drown's grain grading measure.

MEMBERS OF LOAN ASSOCIATION ORGANIZE

(Special to The Tribune)

Jamestown, N. D., March 16—Members of the board of directors of the new Federal Farm Loan association, organized this week by farmers of Medina and vicinity, met yesterday and elected officers for the year as follows: President, Z. W. Pearson; vice president, J. Jablonski; secretary-treasurer, Charles Schawder; board of appraisers, H. Christianson, W. M. Harrington and J. C. Wright.

You'll enjoy the Radisson, Minneapolis. 1917. 1917. 1917.

## FRAZIER O. K.'S SUNDAY

## BASEBALL AND ASKS BOYS TO PLAY FAIR WITH HIM

## Governor Hopes Game Will Be Kept Clean—Predicts Refr-

## endum Otherwise

Governor Frazier made himself ace high with the great American kid yesterday by signing Senator Hamilton's famous "137," legalizing Sunday baseball "for fun," as the governor expressed it, and in doing so the chief voiced the hope that the "boys" will play fair with him and keep the game clean and above reproach, especially on Sunday.

Senate Bill 137 provides that it shall not be unlawful to play baseball on the afternoon of the Sabbath, providing no charge is made for admission, and that the diamond is not located within 500 yards of any house of worship. There is nothing in the bill which prevents the taking up of a free-will offering for the good of the cause. The law does expressly prohibit teams from playing for a purse or for gate receipts, but it does not prevent the home team from paying the visiting team a stated sum to meet traveling expenses and canteens.

"Now that the boys have their Sunday baseball," said Governor Frazier today, "I hope they will keep it clean. It is dependent on them to do so, for if they do not I am very certain from what I have learned that an effort will be made to repeal this act by referendum."

This is the last of several Sunday bills which created somewhat of a furor in the fifteenth assembly. All of the bills except one legalizing Sunday shooting passed both houses, and all now have been signed by the governor.

## GOVERNOR EXERCISES VETO POWER AGAIN IN REJECTING H. B. 428

## Measure Regulating Annexation of Territory to Special School Districts

The governor, for the second time, today exercised his veto power in disapproving House Bill 428, which relates to the annexation of territory to special school districts. The bill was a league measure, introduced by Representative Lazier, providing that territory more than three miles distant from the central school could be annexed only upon petition of two-thirds of the school voters residing in the territory at a greater distance than three miles.

In his veto message the governor advises that he disapproves the bill first because one provision permits the annexing of territory without the consent of persons affected, while another provision would deprive one of the state's normal schools, not named, but understood to be the Minot normal, of pupils for its training school.

## FOR MAGISTRATE

J. O. VARNEY

I announce my candidacy for Police Magistrate at the coming election. Motto: "Peace to all and equal rights to all men."

(Political Advertisement.)

Johnson's for Bismarck. 1917. 1917. 1917.

## Capitol News

## TAX LAWS OF STATE CHANGED BY ASSEMBLY

## Important Amendments and New Measures Affect Banks and Taxpayers Generally

## ABATEMENT OF TAXES MADE LESS DIFFICULT

## Machinery Provided and Commission Given Power to Enforce Regulations

Much of the more important legislation enacted by the Fifteenth assembly affects the tax commission and the taxation system in force in North Dakota.

## Assessment Bank Stock.

Senate Bill 49 provides for the assessment of bank stock, amending the compiled laws of 1913 so as to bring trust companies under the operation of the law. The bill repeals the provision allowing a deduction of 5 per cent of the loans and discounts, and provides that the assessed value of the stock shall be ascertained by adding together the capital stock, surplus and undivided profits, and deducting therefrom the net investment in real estate; provided, however, that such net investment in real estate shall not exceed a sum equal to 60 per cent of the capital stock, surplus and undivided profits of the bank.

The bill further provides that any solvent bank by making a written request may have the assessment heretofore levied against the individual shareholder levied against the bank in its corporate name, and such taxes paid by the bank as other expenses of the bank are met. By this provision banks will be permitted to have a deduction of the amount of their taxes from their net income, whereas, heretofore, when the tax was paid by the individual shareholder, no such deduction accrued. The statement heretofore furnished by the bank must now be made in duplicate, one copy to be delivered to the county auditor, and the other to the tax commission.

## Classification Property.

Senate Bill 49 provides for the classification of property for assessment and fixes a percentage of the full and true value at which property shall be assessed. Lands, railroad property and bank stock constitutes Class 1, to be assessed at 30 per cent of its actual value; livestock, machinery, automobiles, stocks of merchandise, flour mills, elevators, gas and electric light plants constitute Class 2, to be valued and assessed at 20 per cent of its actual value; household goods, wearing apparel, improvements upon farm lands and money and credits not otherwise assessed constitute Class 3, and are to be assessed at 5 per cent of their full value.

## Abatement Taxes.

Senate Bill 52 provides for the abatement of taxes. Under the present law of the state and decisions of the supreme court, there is no way of securing abatement of taxes after the assessment has passed the local board of review. This bill provides that application may be made to the board of county commissioners for an abatement, whereupon, if it is favorably acted upon, it is ultimately certified to the North Dakota tax commission, when, the revenue commission, the abatement can be made. This law will do away with many actions continually brought by taxpayers where they have been unjustly assessed. The bill provides that the tax may be abated in full or in part, as equity may justify it.

## Moneys and Credits.

The assessment of money and credits at three mills on the dollar is provided for in Senate Bill 55, which classifies moneys and credits and fixes a flat rate thereon. The same law is in effect in Minnesota, where it is giving satisfaction. Statistics show that a larger amount of revenue is secured from this class of property by a three-mill levy than where it is assessed under the general property tax, and in addition, the revenue comes from a larger number of persons, and is more uniformly administered.

## Duties of Commission.

Additional powers and duties for the tax commission are provided by Senate Bill 62. It is a combination of the present North Dakota law with many sections interwoven from the Minnesota statutes. Some of the leading features give the tax commission power to appoint special assessors in districts where, in the opinion of the tax commission, assessments have not been properly made, and provide for a reassessment of the districts in whole or in part.

## GOVERNOR SIGNS BILL PROVIDING SPECIFIC ROAD APPROPRIATION

## Chief Executive Inclined to Believe Federal Engineers' Fears Unfounded

Governor Frazier, in the act of signing House Bill 228, which appropriates \$28,000 specifically for the use of the state highway commission, paused today to express the opinion that federal engineers' fears as to the inadequacy of the funds provided by the Fifteenth assembly to be expended by the highway commission in co-operation with the federal post roads aid, are unfounded.

The chief executive, who is something of a good roads enthusiast, thoroughly endorsed the movement when he signed House Bill 228, as \$28,000 is a rather husky appropriation to pass by when a governor is paring the state's budget down to the very bone, even at the expense of more or less necessary and desirable additions to educational institutions.

Governor Frazier believes that through the co-operation of counties located on such transcontinental highways as the Red Trail, the Wonderland Trail, the Meridian, the Black Hills and the Yellowstone trails, with the aid which will be available from this \$28,000 jackpot, and the ten percent of all revenues from automobile registration fees, whose expenditure is placed entirely in the hands of the state highway commission, will be in position to meet the demands made by the United States government in connection with the co-operation which it tenders.

The fund provided for by House Bill 248 will be available for use in counties through which a trunk-line highway is being built, but whose receipts from automobile licenses and revenues from other sources are not sufficient to meet their share of the expenses. For instance, in the case of the Red Trail bridge at Medora, built by public subscription, had \$28,000 been in effect, the state might have been called on for assistance. The same will hold true of the building of trunklines through counties such as Billings, where automobiles are comparatively few, and revenues generally not overlarge.

## STATE HIGHWAY BILL DOES NOT QUITE SATISFY

## General Inspector of Office of Public Roads Points Out Slight Objections

## NATIONAL AND STATE ENGINEER VISITS MOTT

## Booster Meeting to Discuss Co-Operation Between County and Township

North Dakota's state highway law, creating a highway commission and diverting to its use two-thirds of the revenues produced from the fee charged for the registration of motor vehicles, is not altogether satisfactory to Uncle Sam—federal engineer's a good bit, but its weaknesses are few. The fact that actually less than 10 per cent of the net revenue may be used in state highway work, all of the remainder, less expenses of the state highway commission, must be used in the construction of roads in the county whence the fund comes.

T. Warren Allen of Washington, D. C., general inspector of the United States office of public roads, and District Engineer E. O. Hathaway of St. Paul, who are here to investigate North Dakota's road-building plans, with a view to determining how this state's \$76,000 slice of the Shackelford federal post roads aid shall be invested, have pointed out this flaw.

The danger of the present law lies in the probability that the road funds will be split so many ways that no consistent, continued effort at trunk-line highway building will be possible. If this condition should develop, the amount of federal aid which the state could command would be problematical, for it is understood that Uncle Sam insists on systematic roadbuilding, with some definite trunk-line connection in view, and that he will not consent to the diffusion of his road moneys, piece-meal, all over the state. The fact that only 3 per cent of the cost of the job is allowed for inspection would preclude the federal government's undertaking to aid a vast number of small projects, as the allowance for inspection would be altogether inadequate were the federal engineer required to travel the length and breadth of the state.

Today Federal Engineer Hathaway and State Engineer Jay W. Bliss are in Mott, attending a "good roads booster" meeting, called with a view to stimulating closer co-operation between the county and the various townships in highway construction. The meeting is held under the auspices of the Hettinger county board of highway improvements, consisting of the supervisors from each township.

Allen to Washington. Inspector Allen, after looking up the enrolled bills which affect highway work, and consulting with Governor Frazier and State Engineer Bliss, returns today to Washington.

Thomas on the Job. P. W. Thomas, former assistant city and county engineer for Bismarck and Burleigh, recently appointed assistant state engineer, now is on the job.

GOES TO CROSBY. Miss Alma Nordstog, employed in the secretary's office of state during the session, leaves today for Crosby to take a responsible position in an abstract office.

PUBLIC ANNOUNCEMENT. The undersigned hereby announces his candidacy for the office of police magistrate of the city of Bismarck at the ensuing city election to be held in April, 1917.

W. S. CASSELMAN.

Adv. NOTICE. All kinds of furniture repaired. Phone 59 for particulars. 3-14-17